

BILL NO. Z-67-08- 1/2

ZONING MAP ORDINANCE NO. Z-136-71

AN ORDINANCE amending the City of Fort Wayne
Zoning Map No. CC-13.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
INDIANA:

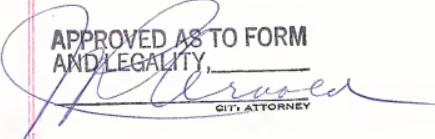
SECTION 1. That the area described as follows is hereby
designated a B-4 District under the terms of Chapter 36,
Municipal Code of the City of Fort Wayne, Indiana, 1946, as
amended by General Ordinance No. 2836; and the symbols on the
City of Fort Wayne Zoning Map No. CC-13 referred to therein,
established by Section 9, Article III of said Chapter as amended,
are hereby changed accordingly, to-wit:

Lot Number One (1) and the North 55.4 feet
of Lot Number Two (2) in Archer's Out Lots,
an Addition to the City of Fort Wayne, Allen
County, Indiana.

SECTION 2. This Ordinance shall be in full force and
effect from and after its passage, approval by the Mayor, and
legal publication thereof.



APPROVED AS TO FORM
AND LEGALITY,


Herb H. Taylor
CITY ATTORNEY

Read the first time in full and on motion by Tipton seconded by
Ninga and duly adopted, read the second time by title and referred
to the (Committee on) Regulations (and to the City Plan
Commission for recommendation) (and Public Hearing to be held after due legal notice,
at the Council Chambers, City Hall, Fort Wayne, Indiana, on _____
the _____ day of _____ 196____, at _____ o'clock
P.M., E.S.T.

Date: 8/8/67

Fred G Bonahoom
CITY CLERK

Read the third time in full and on motion by Tipton
seconded by Geake and duly adopted, placed on its passage.

Passed (TOST) by the following vote:

AYES 7, NAYS 0, ABSTAINED 0, ABSENT 0 to-wit:

Buchanan	<u>v</u>	_____	_____	_____
Dunifon	_____	_____	_____	_____
Fay	<u>v</u>	_____	_____	_____
Ninga	<u>v</u>	_____	_____	_____
Nuckles	<u>v</u>	_____	_____	_____
Robinson	_____	_____	_____	_____
Rousseau	<u>v</u>	_____	_____	_____
Steigerwald	<u>v</u>	_____	_____	_____
Tipton	<u>v</u>	_____	_____	_____

Date 2-23-71

Fred G Bonahoom
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as
(Zoning Map)(General)(Annexation)(Special)(Appropriation) Ordinance (Resolution) No. Z-136-71
on the 23rd day of February, 19671.

ATTEST: (SEAL)

Fred G Bonahoom.
CITY CLERK

Philip Shryenwala
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day
of February, 19671 at the hour of 8:30 o'clock A.M., E.S.T.

Fred G Bonahoom.
CITY CLERK

Approved and signed by me this 25th day of February, 19671,
at the hour of 10:30 o'clock A.M., E.S.T.

Harold J. Zell
MAYOR

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on August 8, 1967, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-67-08-12; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on September 18, 1967;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO PASS for the reasons that a need has been shown for the Land Use Plan to be amended, the amendment will be in the best interest of and benefit to the area involved and of and to the city, and the amendment will not be detrimental to and does not conflict with the overall city plan;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held September 25, 1967.

Certified and signed this
17th day of February 1971.

Mary Ann Haynie
Mary Ann Haynie
Secretary

Bill No. Z-67-08-12

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance amending the City of Fort Wayne Zoning Map No. CC-13.

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance *do* PASS.

HERBERT G. TIPTON

JACK K. DIINTON

THOMAS G. ADAMS

WILLIAM K. GEAKE

JOHN H. ROBINSON

Herbert G. Ripley

Thomas G. Gelius
Wm R. Lake

CONCURRED IN



\$ 25.00

July 19 1967 No.

RECEIVED OF C. David Peebles

Twenty - Five and ⁰⁰/₁₀₀ DOLLARS

Re - Zone Lots 1 & 2 Archers

Out - Lots

By I. H. McKeithané

PETITION TO REZONE

We, the undersigned, being the owners of more than fifty-one (51%) per cent of the real estate hereinafter described, do hereby respectfully petition the Common Council to enact an ordinance to reclassify from a RA District to a B-4 District, the real estate described as follows, to-wit:

Lot Number One (1) and the North 55.4 feet of
Lot Number Two (2) in Archer's Out Lots, an
Addition to the City of Fort Wayne, Allen County,
Indiana.

Name	Address
<u>Norma J. Bely</u>	<u>2215 West California rd</u>
<u>John R. Bely</u>	<u>2215 West California rd</u>
<u>Evelyn Chapman</u>	<u>2209 W. California rd</u>
<u>Edgar V. Chapman</u>	<u>2209 W. California rd</u>
<u>John C. Mycuru</u>	<u>2125 W. California rd</u>
<u>Anna J. Mycuru</u>	<u>2125 W. California rd</u>
<u>Wanda B. Widmann</u>	<u>2133 W. California Rd.</u>
<u>William F. Widmann</u>	<u>2133 W. Calif. Rd.</u>
KEITSCH BROS. INC. By: <u>Donald R. Keitsch</u> Donald R. Keitsch, President	<u>On California & Harris Rd.</u> <u>or 1063 West State St</u>
<u>Donald R. Keitsch</u>	<u>On California & Harris Rd.</u> <u>or 1063 West State St</u>

RESTRICTIVE COVENANT

WE, GLEN R. BELTZ and NORMA J. BELTZ; EDGAR V. CHAPMAN and MARY E. CHAPMAN; WILLIAM F. WIDMANN and WANDA WIDMANN; DONALD NYCUM and ANNA NYCUM; WALTER R. BRIM and PATRICIA J. BRIM, and FORT WAYNE BROTHERS INCORPORATED, being the owners and occupants in fee simple of the real estate in Allen County, Indiana, described as follows:

Lot Number One (1) and the North 55.4 feet of
Lot Number Two (2) in Archer's Lot Lots, in
Addition to the City of Fort Wayne, Allen County,
Indiana.

We, the undersigned, in consideration of the permission to use said real estate for commercial (Food
Establishment) purposes, covenant and agree, for ourselves, grantees, personal representatives,
successors, executors and assignees as follows:

We will not erect, or permit to be erected, any building or structure
thereon or on said real estate nearer than Seventy-Five (75) feet to the
South line of the right-of-way of U. S. 30 Bypass, as the same will exist
when the highway is constructed as a four (4) lane highway. It is understood
hereby that the proposed right-of-way line now exists and that until
the final right-of-way is determined and land acquired by the State of
Indiana herefor, no building or structure will be erected nearer to the
South line of the right-of-way of said highway than Seventy-Five (75) feet
from the present proposed South right of way line of said highway.

We will not erect, or permit to be erected, any building or structure
thereon or on said real estate nearer than the West right-of-way of Harris
Road, in the City of Fort Wayne in Allen County, Indiana, as the same will exist
upon the construction of U. S. 30 Bypass as a four (4) lane highway. It is
understood that the proposed right-of-way line for the same
is now established and that until the final right-of-way is determined
and land acquired by the State of Indiana herefor, no building or structure
will be erected nearer to the West line of the right-of-way of Harris Road
than the present proposed West right-of-way line thereof.

Without loss of time, if any permit is granted, any building or structure will not be located closer to the South line thereof than the North line of the proposed in access road as the same will be at after U. S. Highway 23, indicated as a four (4) lane highway. It is understood and agreed that the proposed right-of-way line for said access road along the South line of the described real estate does not exist and that until the final location of the highway is determined and laid out by the State of Indiana the proposed building or structure will be erected on or near the South property line of the described real estate than the presently proposed North right-of-way line for said access road.

This is a mutual personal covenant, but shall run with the land and all encumbrances and all owners of real estate with a five hundred foot right-of-way, and of the public. It may be enforced in the name of the lessor or lessors and owners or by the City of Fort Wayne, or any other authority.

WITNESS, our hands and seals this 15 day of May, 1968

John Keltsch
John Keltsch

Donald R. Keltsch

Norma J. Berr
Norma J. Berr

Evelyn Chapin

Wanda Widmann

Anna Nyom

John Keltsch
John Keltsch

KELTSCH BROTHERS INCORPORATED

Donald R. Keltsch
Donald R. Keltsch, President

Maurice C. Keltsch
Maurice C. Keltsch, Secretary

At the Office of the Notary Public, in and for said County and State, this
23rd day of October, 1968, personally appeared John R. Beale and
John G. Nyman, Notary Public, Chapman and Evelyn Chapman, William L.
Nyman, wife, Alice Williams; John G. Nyman and Alice Nyman; and
John G. Nyman and Maurice G. Koch, President and Secretary
of the W. Chapman Brothers, located at said, and acknowledged the
execution of the above Restrictive Covenant to be their voluntary act and deed.

John R. Beale
John R. Beale
Notary Public

Notary Public
Notary Public

Day of October, 1968

John R. Beale
John R. Beale
Notary Public

At the Office of the Notary Public, in and for said County and State, this
23rd day of October, 1968, personally appeared Higward W. Foy and
John G. Nyman, Notary Public, acknowledged the execution of the above Restrictive
Covenant to be their voluntary act and deed.

Higward W. Foy
Higward W. Foy
Notary Public

John G. Nyman
John G. Nyman
Notary Public

At the Office of the Notary Public, in and for said County and State, this
23rd day of October, 1968, personally appeared Walton L. and A. L. G. Koch,
and acknowledged the execution of the above Restrictive Covenant to be their
voluntary act and deed.

Walton L. and A. L. G. Koch
Walton L. and A. L. G. Koch
Notary Public

